

REMARKS

**Claim Rejections - 35 USC §103**

Claims 10-15 have been rejected as obvious from Rothjell, US 3805238, in view of Constant et al, US 20030154446 A1. The rejection is traversed.

Rothjell is cited for all features of the claims except for the feature of a database accessible by a network. Constant et al has been applied as showing image files stored in a database accessible by a telecommunication network, and indeed it appears to have no other relevance to the invention. The applicant does not agree that Rothjell satisfies the claim recitations except for the feature of a database accessible by a network.

The Final Office Action contends that Rothjell at col. 4, lines 23-42 meets the claim recitation of "a three-dimensional identifier ... the identifier presenting heterogeneities distributed in a random manner within a transparent material rendering the identifier difficult or impossible to reproduce." Rothjell's card does not meet this claim recitation.

It seems that the Examiner considers the 2D representation of the body curves in a layered identity card as the 3D identifier. Rothjell's 2D representation of body curves cannot be considered as a random distribution of heterogeneities rendering the identifier difficult or impossible to reproduce. The body curves are copied from the photograph of the individual. Once drawn, there is nothing about the body curves that render them difficult to reproduce. Consequently, like the photograph itself, the 2-D body curve representation can be duplicated many times. It is therefore easy to produce several identical identity cards for the same individual. Further, placement of

the bodycurves in the card is non-random. They are aligned with the the photograph in order to provide a means of recognizing tampering. Note that difficulty in tampering with an identity card (which is what is discussed by Rothjell at col. 4, lines 32-42) has nothing to do with difficulty in reproducing the identifier.

Thus, it is a characteristic of the Rothjell identification process that only the individual, not the representations of the individual contained on a card, present difficulty in reproduction.

To emphasize the difference between the identifiers of Rothjell and those of the present invention, claim 10 has been amended to clarify that the heterogeneities of the 3-dimensional identifier are themselves three-dimensional.

The claimed invention is fundamentally different from that of Rothjell.

Rothjell works only for individuals having characteristic curves, not for objects which can be identical (such as industrial products). In the present invention the identifier itself, not the object to be identified, presents heterogeneties distributed in a random manner within a transparent material rendering the identifier difficult or impossible to reproduce. Consequently the claimed process can be easily applied to identical objects.

At least because Rothjell clearly does not meet the three-dimensional identifier recitations of claim 10, the combination of Rothjell and Constant et al does not render the subject matter of claims 10-15 obvious. Withdrawal of this rejection is requested.

**Conclusion**

The invention has been shown to be non-obvious over the cited documents. The application is therefore seen to be in condition for allowance. Early and favourable action thereon is requested.

Respectfully submitted,  
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